



Memorandum

TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE

FROM: Hans F. Larsen

**SUBJECT: RESTORING NEIGHBORHOOD
STREETLIGHTS**

DATE: January 15, 2014

Approved

[Signature: Jennifer Maguire]

Date

1/24/14

RECOMMENDATION

Accept the status report on various activities related to maintenance and improvement of the City's streetlight system.

BACKGROUND

On December 11, 2013, the Rules and Open Government Committee considered a memo from Councilmembers Liccardo and Herrera concerning the maintenance and improvement of the City's streetlight system including measures to address outages due to streetlight wire theft. This topic was discussed by the City Council on December 17, 2013, along with a budget action to increase funding by \$500,000 to accelerate the restoration of streetlights impacted by stolen wire. Further discussion of this topic was referred to the Transportation and Environment Committee.

ANALYSIS

This staff report provides information on the general topic of streetlighting and responds to the Rules and Open Government Committee memo from Councilmembers Liccardo and Herrera.

Streetlight Maintenance Activities

- Replacement of Stolen Wire – On December 17, 2013, the City Council approved a \$500,000 increase in funding to accelerate restoring streetlights impacted by wire theft. Currently, there are 268 known locations where wire has been stolen resulting in the outage of 1,055 streetlights. On average, there are currently about 40 new incidents of wire theft per month. This one-time funding allocation will allow adding two new crews to the existing one crew. Each new crew consists of one temporary Electrician from the Union Hall and one new temporary Maintenance Worker II. With a total of three crews, staff will be able to eliminate the current backlog in one year and keep up with new incidents. To manage future wire theft

incidents, staff will be requesting additional funding during the 2015-2019 CIP budget process.

The Department of Transportation (DOT) is taking proactive measures to deter the problem by making it more difficult to steal streetlight copper wire from electrical pull boxes. All pull boxes in locations where copper wire have been restored have been sealed with an epoxy treatment. Another proactive deterrent effort will be through the installation of 500 locked metal pull boxes in locations identified as highly prone to wire theft. DOT will continue to work with the Police Department on other deterrent and enforcement measures. Additionally, the City Administration is continuing its efforts to enhance the recruitment and retention of City electricians to meet street lighting and other electrical services needs.

- Regulatory Efforts to Reduce Wire Theft - The Rules Committee memo from Councilmembers Liccardo and Herrera, raised the issue of enhanced regulation for junk dealers and recyclers concerning the sale and purchase of copper wire. This topic was addressed in the attached memo from the City Attorney's Office dated December 10, 2013. This topic has also been added to the City's Legislative Guiding Principles.

Streetlight Improvement Activities

- LED Streetlight Conversion Status - The City has made some strides in converting the City's streetlight system of approximately 63,000 lights to "smart" LED streetlights. To date, approximately 3,400 lights have already been converted. Funding for these conversions has been primarily through grant funds, regional projects, and private development. Most of the LED streetlights are found on major roadways throughout the City, including some CDBG eligible areas such as the Cassell, Mayfair and Santee neighborhoods. In addition, there are approximately 3,700 additional lights are funded and planned for conversion to LED. Exhibit 1 illustrates the progress of the LED Streetlight Conversion Program, depicting completed and planned locations.
- Energy Services Company (ESCO) - As previously reported by the Public Works and Environmental Services departments, Chevron Energy Solutions was selected as the City's Energy Services Company (ESCO) to review, recommend, and implement Energy Conservation Measures (ECMs) that reduce energy and water use within municipal facilities, and to use the savings to convert existing City streetlights to "smart" LED streetlights. With the completion of the preliminary analysis of 19 different City sites, Chevron identified two bundles of ECMs, Bundle 1A and Bundle 1B. The total number of streetlights proposed in the combined bundles is 15,000 lights (1A to include approximately 2,000 and 1B to include the remainder - see Exhibit 2, San José Streetlight Project Areas). Bundle 1A streetlights are identified as lights located in the Edenvale area. Bundle 1B will include lights in areas with high wire theft incidences and in areas having higher levels of crime activity. Staff anticipates seeking Council approval of the Chevron Energy Services Agreement in February 2014 with completion of the Bundle 1A streetlights by the end of 2014.

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- “Smart Pole” Proposal - Another opportunity to convert streetlights in the City is to explore partnering with private companies that seek the use of City streetlight poles to serve as the platform for mini cell towers. This approach would provide the City the opportunity to have its streetlights converted to “smart” LED streetlights and have the infrastructure maintenance and operation costs covered. The City has been approached by Philips with their “Connected City Experience” proposal. Staff has had preliminary discussions with Philips as part of the City’s Demonstration Program and has identified North San José as a potential area to demonstrate the program (see Exhibit 2, San José Streetlight Project Areas)

COORDINATION

This memorandum was coordinated with the City Attorney’s Office and the Police Department.

/s/

HANS F. LARSEN
Director of Transportation

For questions please contact Amy Olay, Department of Transportation Division Manager for Planning and Sustainability, at (408) 975-3283.

Attachments



Memorandum

TO: Honorable Mayor and Council

FROM: Richard Doyle
City Attorney

SUBJECT: Existing State laws regulating
second hand copper wire
transactions

DATE: December 10, 2013

BACKGROUND

A memorandum has been submitted to the December 11, 2013 Rules Committee meeting from Councilmember Liccardo regarding exploring a regional pact that requires that junk dealers and recyclers to obtain certain information from their customers and provide that information to the police for transactions involving non ferrous material, including copper (section 3.a.). The memorandum also suggests exploring a regional pact for the methods of payment involving second hand sales of non ferrous material.

The purpose of this memorandum is to inform the Council of existing state laws that regulate information required to be obtained during second hand sales of copper wire involving recycling centers and the method of payment required for such transactions. Additionally, this memorandum discusses the findings required under state law for local agencies to adopt local regulations on transactions involving second hand sales of non ferrous material.

EXISTING STATE LAW

1) Laws regarding information obtained by recyclers

Junk dealers and recyclers ("Recyclers") are regulated by California Business and Professions Code sections 21600- 21610¹. Recyclers are required to keep a written record of all sales and purchases made in the course in business. (§ 21605(a)). The written records are required to set out the following:

- (1) The place and date of each sale or purchase of junk made in the conduct of his or her business as a junk dealer or recycler.

¹ All further statutory references are to the Business and Professions code, unless otherwise indicated.

- (2) Identification information regarding the seller/purchaser from one of the following documents: drivers license, identification card, passport or Marricula Consular.
- (3) The vehicle license number of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.
- (4) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.
- (5) A description of the item or items of junk purchased or sold, including the item type and quantity, and identification number, if visible.
- (6) A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained the junk from, as shown on a signed transfer document. (§ 26106(a).)

Recyclers are required to provide the information described above to the chief of police using a form provided by the California Department of Justice. (§§ 21606(c), 21628, 21630, 21633.) Additionally, Recyclers are required to obtain a photograph or video of the seller and the material being purchased, and the thumbprint of the seller. (21608.5(a).)

2) Laws regarding payment for nonferrous materials by recyclers

Recyclers are generally prohibited from providing payment for nonferrous materials earlier than three days after the date of sale. (§ 21608.5(a).) Payment can be made by either cash or check. (§ 21608.5(a)(1)).²

ADDITIONAL REGULATION

If the Council wanted to adopt additional regulations for Recyclers sale or purchase of copper wire it would need to adopt an ordinance that would meet Section 21608.5 (g). Consequently, an ordinance regulating this subject would need to pass by a two-thirds vote and it would need to demonstrate by clear and convincing evidence that the ordinance is both necessary and addresses a unique problem within and specific to the jurisdiction of the ordinance that cannot effectively be addressed under this section. It is not possible to determine whether the evidentiary standard required by section 21608.5 (g) will be met until there is a specific proposal in place addressing a unique problem specific to the City that is not effectively addressed by current state law.

² AB 841 was vetoed by the Governor on October 3, 2013. If it had passed that bill would have required payment by check.

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Feel free to contact Jon Calejari, Deputy City Attorney, if there are any follow up questions on the subject matter of this memorandum.

RICHARD DOYLE
City Attorney

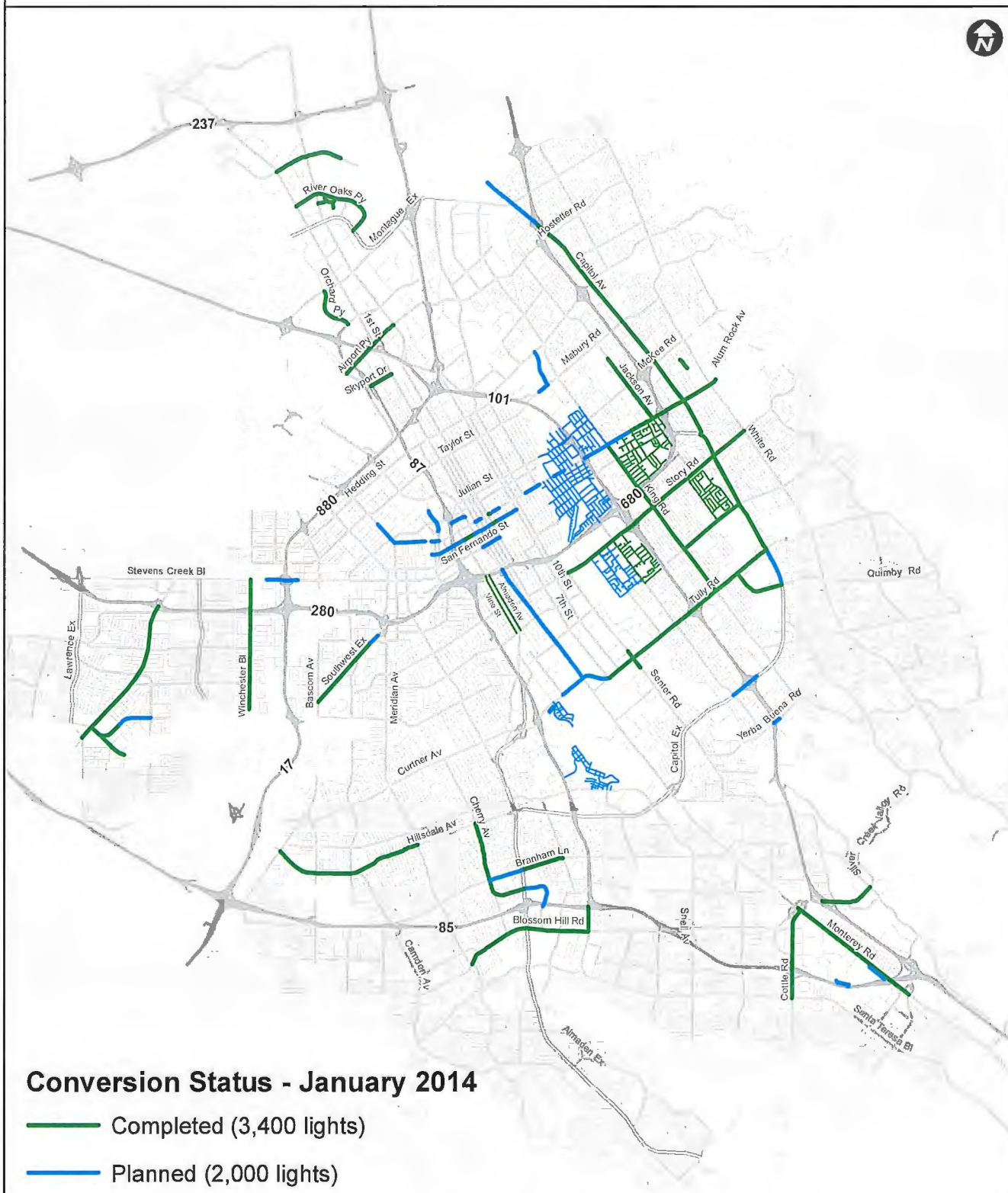
By



JON CALEGARI
Deputy City Attorney

cc: Debra Figone
Ed Shikada
Hans Larsen
Jim Ortbal
Larry Esquivel

LED Streetlight Conversion Program



Note: Another 1,700 lights are funded; locations to be determined

San Jose Streetlight Project Areas

